

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JEREMY HUFFMAN, SR.,)
)
Plaintiff,)
)
v.) Cause No. 3:19-cv-169
)
ST. JOSEPH COUNTY, et al)
)
Defendants.)

**DEFENDANTS', NURSE LYNN, NURSE JASON, DR. TIEMAN AND DR. HALL'S,
ANSWER, AFFIRMATIVE DEFENSES AND DEMAND FOR TRIAL BY JURY**

Defendants, Head Nurse Lynn, Nurse Jason, Dr. Tieman and Dr. Hall (hereinafter collectively "Defendants"), by counsel, answer Plaintiff's Amended Prisoner Complaint as follows:

1. How many defendants are you suing? 14

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the material allegations contained in this Paragraph of the Amended Prisoner Complaint, and therefore deny the same.

2. What is the name and address of your prison or jail? Federal Correctional
Institution P.O. Box 4000 Manchester, KY 40962

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the material allegations contained in this Paragraph of the Amended Prisoner Complaint, and therefore deny the same.

3. Did the event you are suing about happen there? ☐ Yes. ☒ No, it happened at: St.
Joseph County Jail 401 W. Sample St. South Bend, IN 46601

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the material allegations contained in this Paragraph of the Amended Prisoner Complaint, and therefore deny the same.

4. On what date did this event occur? From September 2016 to March 2017

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the material allegations contained in this Paragraph of the Amended Prisoner Complaint, and therefore deny the same.

CLAIMS and FACTS

ANSWER: As to Paragraphs 1 through 52 of the Prisoner Complaint, some and/or all of the alleged facts or information may be incomplete and/or are not completely stated within context. Defendants refer to the medical record pertaining to Mr. Huffman for complete detail and context. Defendants admit the record speaks for itself and admit to the accuracy of the information contained therein until shown otherwise. To the extent the alleged facts contained within these Paragraphs are consistent with the medical record, Defendants do not deny them. To the extent the alleged facts contained within these Paragraphs are inconsistent with and/or are not expressly contained within the medical record, Defendants deny them. Defendants further deny any implied facts or implications of fault and/or liability contained within these Paragraphs. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining material allegations contained in these Paragraphs, and therefore deny the same.

5. When did this event happen?

☐ Before I was confined.

☒ While I was confined awaiting trial.

☐ After I was convicted while confined serving the sentence.

☐ Other: _____

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the material allegations contained in this Paragraph of the Amended Prisoner Complaint, and therefore deny the same.

6. Have you ever sued anyone for this exact same event?

☒ No.

☐ Yes, attached is a copy of the final judgment OR an additional sheet listing the court, case number, file date, judgment date, and result of the previous case(s).

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the material allegations contained in this Paragraph of the Amended Prisoner Complaint, and therefore deny the same.

7. Could you have used a prison grievance system to complain about this event?

- ☐ No, this event did not happen in a prison or jail.
☐ No, this event is not grievable at the prison or jail where it occurred.
☒ Yes, I filed a grievance and attached is a copy of the response from the final step. (Exhibit 2 and 25)
☐ Yes, this event was grievable, but I did not file a grievance because _____

ANSWER: Defendants admit the events discussed in Plaintiff's Prisoner Complaint are grievable and affirmatively state Plaintiff may not have followed the formal grievance procedure, which therefore bars his claim. Defendants deny the remaining material allegations contained in this Paragraph.

8. If you win this case, what do you want the court to order the defendant(s) to do?

[NOTE: A case filed on this form will not overturn your conviction or change your release date.]

Plaintiff asks that the defendants be ordered to pay him compensatory and punitive damages in the amount of \$10,000,000.00 and that medical care for inmates at the St. Joseph County Jail be given at the standard levels set forth by the Constitution of the United States of America.

ANSWER: Defendants deny the material allegations contained in this Paragraph.

WHEREFORE, Defendants, Nurse Lynn, Nurse Jason, Dr. Tieman and Dr. Hall, pray that Plaintiff take nothing by way of the Amended Prisoner Complaint, for the costs of this action, and all other just relief.

/s/Georgianne M. Walker
Georgianne M. Walker (23182-71)
Amanda Jordan (32129-71)
Attorneys for Defendants, Head Nurse Lynn, Nurse Jason, Dr. Tieman and Dr. Hall

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AFFIRMATIVE DEFENSES

Defendants, Head Nurse Lynn, Nurse Jason, Dr. Tieman and Dr. Hall (hereinafter collectively “Defendants”), by counsel, raises the following affirmative defenses to the Amended Prisoner Complaint by alleging:

1. The Amended Prisoner Complaint fails to state a claim upon which relief may be granted.
2. The Amended Prisoner Complaint contains allegations for care and treatment provided beyond the applicable statute of limitations.
3. The alleged wrongful conduct of Defendants does not rise to the level of a Constitutional deprivation and plaintiff has no federal cause of action.
4. Plaintiff may have failed to exhaust all applicable administrative remedies in accordance with the Prison Litigation Reform Act, 42 U.S.C. § 1997e.
5. Defendants were not the proximate cause of any injury to Plaintiff or any damages or injuries claimed by Plaintiff.
6. The damages claimed are the result of a medical complication for which no person or entity was at fault.
7. Plaintiff may have been contributorily negligent and, therefore, Plaintiff cannot recover from Defendants.
8. Defendants did not have the intent or state of mind necessary to show a violation of 42 U.S.C. Sec. 1983.
9. All acts of Defendants were done in good faith.
10. Any claim of negligence against Defendants must first be presented to a medical review panel under Indiana’s Medical Malpractice Act.

11. Defendants are entitled to the benefit of the payment by all collateral sources of any sums of money to the Plaintiff arising out of the incident described in Plaintiff's Amended Prisoner Complaint.

12. Plaintiff may have failed to mitigate his damages.

13. The injuries and damages allegedly sustained by Plaintiff, as set forth in the Amended Prisoner Complaint, were the sole and proximate result of the negligence and carelessness of third parties, over which Defendants had no control or right to control.

14. The damages claimed by Plaintiff were caused in full or in part by non-parties, and other persons and/or entities whose identity is unknown at this time.

15. Defendants are entitled to introduce evidence of the discounted value of medical expenses pursuant to *Stanley v. Walker*, 906 N.E.2d 852 (Ind.2009).

16. To the extent that any of Plaintiff's allegations contained in the Amended Prisoner Complaint have not yet been answered in this Answer and Affirmative Defenses, Defendants now deny any and all such allegations.

17. Defendants expressly reserve the right to assert additional affirmative defenses should such affirmative defenses become apparent during the course of discovery.

WHEREFORE, Defendants, Head Nurse Lynn, Nurse Jason, Dr. Tieman and Dr. Hall, pray that Plaintiff take nothing by way of the Amended Prisoner Complaint, for the costs of this action, and all other just relief.

/s/Georgianne M. Walker

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JURY DEMAND

Defendants, Nurse Lynn, Nurse Jason, Dr. Tieman and Dr. Hall (hereinafter collectively
“Defendants”), by counsel, and pursuant to F.R.C.P. Rule 38, demand a trial by jury.

/s/Georgianne M. Walker

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CERTIFICATE OF SERVICE

I certify that service of the above document was made on February 19, 2021, by U.S. certified
mail, return receipt requested, postage affixed upon the following:

Jeremy Huffman, Sr.

16508-027

Beckley FCI, Federal Correction Institution

Inmate Mail/Parcels

P O Box 350, Beaver, WV 25813

Certified Mail #7019 2280 0000 1174 4554

Return Receipt Requested

/s/Georgianne M. Walker

Georgianne M. Walker (23182-71)

Amanda Jordan (32129-71)